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FCC Mail Room

**Walthill Public School
602 Main
P. O. Box 3C
Walthill, NE 68067**

September 26, 2008

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: CC Docket No. 02-6
Applicant Number: Walthill Public School Dist.
Funding Request No.: 1641546
Billed Entity Number: 138304

Dear Ms. Dortch:

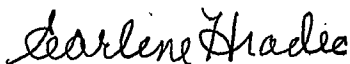
We would like to appeal the denial of our 2008 Form 471 Application #594569. The service provider is Eastern Nebraska Telephone Company with the SPIN No.143002169. We understand that we were denied because our Form 471 was signed and/or submitted prior to the Allowable Contract Date of the referenced Form 470 #607780000634178, which is a violation of the program rule for competitive bidding. Although we realize that this was an error on our part we would like to appeal the denial because in our area there is only one telephone company accessible, so there would be no other company to submit a bid.

There was some confusion with the application process due to our inexperience. This was an honest mistake on our part. Our school district is located in a high poverty area with 95% Native American children. Funding is being reduced and educational costs are increasing each year. This funding is very important to our school.

If you could grant this appeal, it would be greatly appreciated.

Please contact: Ed Stansberry, Superintendent, (402) 846-5432 or estansbe@esu1.org.
The fax number is (402) 846-5932.

Sincerely,



Earlene Hradec, Business Manager

No. of Copies rec'd 0
List A B C D E

*Walthill Public School
Little & Main
P. O. Box 30
Walthill, NE 68067*

June 17, 2008

Letter of Appeal
Schools and Libraries Division-Correspondence Unit
100 S. Jefferson Rd
P. O. Box 902
Whippany, NJ 07981

RE: Application #594532

To Whom It May Concern:

We would like to appeal the denial of our 2008 Form 471 Application No. 5494532. The service provider is AT & T Corporation with the SPIN No. 143001192. On April 25, 2008, we received the following information from USAC "We have completed our review and determined that Application 594532 will be denied because your Form 471 was signed and/or submitted prior to the Allowable Contract Date of the referenced Form 470 # 607780000634178 which is a violation of the program rule for competitive bidding."

There was some confusion with the application process due to our inexperience. Evidently the date on the Form 471 was prior to the Allowable Contract Date of the reference Form 470. This was an honest error on our part. Our school district is located in a high poverty area with 95% Native American children. Funding is being reduced and educational costs are increasing each year. This funding is very important to our school.

If you could grant this appeal, it would be greatly appreciated.

Please contact: Ed Stansberry, Superintendent, (402) 846-5432 or estansbe@esu1.org.

You may also contact me at (402) 846-5432 or ehradec@esu1.org

Sincerely,

Earlene Hradec

Earlene Hradec, Business Manager



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2008-2009

August 06, 2008

Earlene Hradec
Walthill Public School
Little & Main Street
P.O. Box 3C
Walthill, NE 68067

Re: Applicant Name: WALTHILL PUBLIC SCHOOL DIST
Billed Entity Number: 138304
Form 471 Application Number: 594569
Funding Request Number(s): 1641546
Your Correspondence Dated: June 17, 2008

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2008 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1641546
Decision on Appeal: **Denied**
Explanation:

- Upon thorough review of the appeal letter and the relevant documentation, the USAC has determined that Walthill Public School District is in violation of the Schools and Libraries Support Mechanism competitive bidding rules. USAC records reveal that this is a request for Tariff or Month-to-Month discounted services. The district cited establishing Form 470 application number 607780000634178, with an Allowable Contract Date of December 14, 2007. USAC records also show that the Form 471 was signed on December 12, 2007 and postmarked on December 10, 2007. Since the Form 471 application postmark and signature date precedes the allowable contract date of the establishing Form 470, the district is in violation of this support mechanism 28-day competitive bidding requirements. Additionally, the record shows that Program Compliance

(Appeals) contacted the applicant and made them aware of the program violation. The applicant was requested to verify if the referenced Form 470 was the establishing Form 470 for these services and was also given an opportunity to cite an alternate Form 470 in order to cure the program's violation. In a fax dated July 22, 2008, the applicant stated that the Form 470 establishing the bidding requirement for the requested services is Form 470 application number 607780000634178. As this information was the same as the original input, the program violation was not cured and the request was denied. On appeal, you failed to provide evidence that the school has complied with this support mechanism competitive bidding requirements, or that USAC has erred in its initial decision.

- Your FCC Form 470 607780000634178 was posted on November 16, 2007. In your FCC Form 470 Receipt Notification Letter, USAC notified you that the earliest date upon which you could sign and submit your FCC Form 471 was December 14, 2007. Consequently, USAC denies your appeal because your application did not comply with the competitive bidding requirement that your FCC Form 470 be posted on the website for 28 days prior to your signing and/or submitting your FCC Form 471.
- You signed and/or submitted your FCC Form 471 prior to the expiration of the 28 day posting period. FCC rules require that except under limited circumstances, all FCC Forms 470 received be posted on the USAC website for 28 days, and that applicants carefully consider all bids received before selecting a vendor, entering into an agreement or signing a contract, and signing and submitting an FCC Form 471. *See* 47 C.F.R. secs. 54.504 (a) (c), 54.511(a) and (c). FCC rules further require that the Administrator send the applicant a confirmation when the FCC Form 470 has been posted, and inform the applicant of the earliest date upon which they may sign a contract with the vendor it selects. *See* 47 C.F.R. sec. 54.504(b)(4). These competitive bidding requirements help to ensure that applicants receive the lowest pre-discount price from vendors. *See* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Order on Reconsideration, 12 FCC Rcd 10095, 10098, FCC 97-246 para. 9 (rel. Jul. 10, 1997).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Earlene Hradec
Walthill Public School
Little & Main Street
P.O. Box 3C
Walthill, NE 68067

Billed Entity Number: 138304
Form 471 Application Number: 594569
Form 486 Application Number: